

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

FLAT RATE MOVERS, LTD.

and

**ALEJANDRO FARCIERT VELIZ,
RARPI MOJICA-DIVISON,
DANIEL TORRES and
JOSE MAGUANA**

**Cases 2-CA-39373
2-CA-39374
2-CA-39377
2-CA-39388
2-CA-39405
2-CA-39458**

and

LOCAL 116, RWDSU, UFCW

ORDER¹

The Employer's petition to revoke Subpoena B-625765 is denied.² The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The petition is denied as to paragraphs 1 and 3 of the subpoena. Paragraph 2 of the subpoena requests copies of advertisements placed for new hires for positions in the unit, for the period of January 1, 2009 to the present. The Employer produced this information, and it is apparent from the General Counsel's opposition brief that he no longer seeks to enforce this paragraph of the subpoena. Accordingly, this Order does not require production of documents in response to paragraph 2 of the subpoena.

Dated, Washington, D.C., April 30, 2010.

WILMA B. LIEBMAN,	CHAIRMAN
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PETER C. SCHAUMBER,	MEMBER
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CRAIG BECKER,	MEMBER
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